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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,746	10/15/2001	David Llewellyn Mallis	09432.183002	3552

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ROSENTHAL & OSHA L.L.P.
1221 MCKINNEY AVENUE
SUITE 2800
HOUSTON, TX 77010

EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/877,746

Applicant(s)

Mallis et al.

Examiner

Nicholson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 4,822,081 to Blose. See column 10, lines 13-17 which state that the shoulders may be allowed to contact before the complete thread make-up. As to claims 4-6 see fig. 6 and as to claim 7 see column 8, line 20.

Applicant's remarks have been considered however are not deemed to be persuasive. Applicant argues that Blose is "silent as to a condition where the load and stab flanks are out of contact" and further states that "the load and stab flanks

would not necessarily be out of contact simply because the shoulders and end faces are allowed to contact before the complete thread make-up". The examiner disagrees, in column 7, lines 47-57 Blose discloses that there is no "interference or contact between the flanks before **final make-up**". In column 7, lines 60-65, Blose discloses that when "the thread flanks of the present invention are finally touching, this is referred to as the **fully made-up condition**. Since the flanks of the threads do not touch until **final make-up**, the flanks do not impose any radial stresses on the pin and box members."

Further, as noted in column 4, lines 57-60, Blose makes it clear that the "converging flanks inherently do not move after the thread load and stab flanks become engaged during make-up" and in column 8, lines 15-17 it is stated that "the thread flanks do not make contact until final make-up of the joint". This information coupled with the information in column 10, lines 13-17 which state that the shoulders *may be* allowed to contact before the complete thread make-up makes it clear that Blose is *not silent* as to a condition where the load and stab flanks are out of contact as applicant contends but rather is specific that the flanks do not come into contact until final make-up nor do they even move after they become engaged. Thus when the shoulders are allowed to contact before complete

make-up as stated and the flanks can not be in contact until complete make-up the conditions of the claimed present invention are met.

Applicant's statement that the load and stab flanks would not necessarily be out of contact simply because the shoulders and end faces are allowed to contact before the complete thread make-up appears to a recognition on applicant's part that the load and stab flanks are not prohibited from being out of contact when the shoulders contact before complete thread make-up however applicant does not point to any teaching in the specification of Blose that states the load and stab flanks must or may contact before the shoulders. The examiner however points to several sections of the specification as noted above that indicate expressly that the load and stab flanks do not and can not be in contact until complete make-up of the joint.

Applicant also argues that the present invention requires "a selected clearance" between the load and stab flanks when the shoulders contact. While given applicant's statements above it is made apparent that applicant believes there is no clearance between the load and stab flanks so applicant's arguments follow that there could not possibly be a "selected clearance". The examiner's position is as noted above, that the clearance between the load and stab flanks is there when the shoulders contact and that such clearance is selected or calculated by way of

the particular stab and load flank angles such as noted in column 7 combined with the shoulder angles noted in column 8.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is


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(703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159. The fax phone number for Technology Center 3600 is (703) 872-9326 for "before final" papers and (703) 872-9325 for "after final" papers.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

ekn
6/18/03
W@H


Eric K. Nicholson
Primary Examiner
Technology Center 3600